

Lovells

MEMO ENDORSED

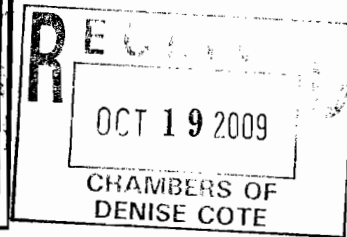
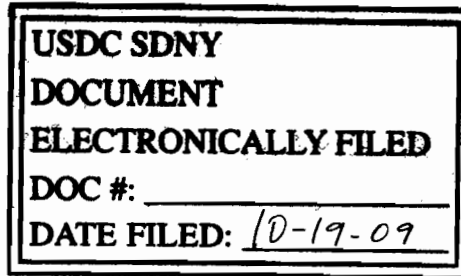
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October 16, 2009

BY HAND

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Hon. Denise Cote
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007-1312



**RE: IN RE APPLICATION OF ERICSSON, INC., 09 Civ. 7076, RELATED TO
UNITED STATES V. AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS, 41 Civ. 1395**

Dear Judge Cote:

We represent ASCAP in connection with the above-referenced proceeding. In accordance with our telephone conference with Your Honor on October 8, and on behalf of ASCAP and Ericsson, we enclose a set of the papers submitted by ASCAP on September 10, 2009, in support of its motion for interim fees, marked to indicate all of the redactions proposed by ASCAP and Ericsson. The redactions employ colored highlighting and flags as follows (counsel are working together to streamline this system, and we are hopeful that the next set of papers will use fewer colors to indicate proposed redactions):

- Blue indicates redactions proposed by ASCAP relating to ASCAP confidential information.
- Yellow indicates redactions proposed by ASCAP relating to non-party confidential information, as required by the Protective Order or other conditions under which that information was produced.
- Green indicates redactions proposed by Ericsson relating to Ericsson confidential information.
- Pink indicates redactions proposed by Ericsson relating to non-party confidential information, as required by the Protective Order under which that information was produced.

With regard to the exhibits, the parties have designated the following exhibits for redaction in their entirety: Parness Declaration Exhibits A-C, F-L, Q, T, V and X and Amenita Declaration Exhibits A-D. Your clerk had asked me to confirm that it is ASCAP's position that Exhibits C, F and G to the Parness Declaration should be redacted in their entirety. Exhibits C and F are excerpts of transcripts of AT&T witnesses from the AT&T proceeding, while Exhibit G is excerpts of AT&T's interrogatory responses, again from the AT&T proceeding. AT&T designated each of these documents "Restricted" in their entirety under the Protective Order in place in the AT&T proceeding, so ASCAP and Ericsson are obligated pursuant to that Protective Order to designate these documents as "Restricted" until either the Court or AT&T indicates otherwise. Independently of our obligations under the Protective Order, however, it is ASCAP's position that Exhibit C does not need to be redacted, with the exception of the revenue figures on pages 157 and 162 of the

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transcript, and Ericsson would have no objection to making the entire exhibit public. Aside from Protective Order obligations, neither ASCAP nor Ericsson believes that Exhibit F needs to be redacted at all, and both parties believe that Exhibit G (the interrogatory responses) should be redacted.

The parties are working on preparing a similar joint submission of Ericsson's October 9 response papers.

Respectfully submitted,

Hillel I. Parness /ENF

Hillel I. Parness

cc: Richard Reimer, Esq., Christine Pepe, Esq.
David Leichtman, Esq.
Bruce Joseph, Esq., Andrew McBride, Esq., Karyn Ablin, Esq., Michael Sturm, Esq.,
Matthew Astle, Esq.

*The proposed redactions are
approved, except for Exhibits
A, C and F to the Parness
Declaration. The parties shall
consult with any third
parties whose rights are
implicated by disclosure
of those 3 exhibits, and
attempt to obtain consent
to filing these exhibits
with redactions where
necessary. A status
report is due 10/26/09.*

Denise Cote

October 19, 2009